

# SENATE . . . . . No. 945

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Anthony D. Galluccio**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to safe transportation of explosive and inflammable materials.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Stephen Stat Smith	28th Middlesex
Timothy J. Toomey, Jr.	26th Middlesex
Christine E. Canavan	10th Plymouth
Richard J. Ross	9th Norfolk
Alice K. Wolf	25th Middlesex
Robert L. Rice, Jr.	2nd Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S02522 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO SAFE TRANSPORTATION OF EXPLOSIVE AND INFLAMMABLE MATERIALS.

*Whereas*, The deferred operation for this act would tend to defeat its purpose, which is forthwith to preserve the safety of the citizens of the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 90 of the General Laws, as appearing in the 2006 Official Edition,  
2 is hereby amended by inserting, after Section 18A, the following section:—

3       Section 18B. (a) For purposes of this section, “passenger vehicle” means any motor vehicle that  
4 is used or maintained primarily for the transportation of persons and not for commercial  
5 transportation of any article or material identified in section 9 of chapter 148 of the General  
6 Laws.

7       (b) Notwithstanding any general or special law to the contrary, a municipality may prohibit, with  
8 the approval of the highway department, not to be unreasonably withheld, the intrastate  
9 commercial transportation of any article or material identified in section 9 of chapter 148 of the  
10 General Laws inside a traffic rotary located within the boundaries of such municipality.

11       (c) Any municipality proposing to prohibit transportation under this section must first file with  
12 the highway department (i) its request for such prohibition, including a detailed map showing the  
13 route that would be prohibited and (ii) a reasonable and safe alternative route, including a  
14 detailed map showing the alternative route proposed. The highway department shall provide  
15 notice and copies of the filing within seven (7) business days of receipt of such filing to the  
16 following: the chief executive officer of any municipality located within five (5) miles of the  
17 affected traffic rotary and proposed alternative route; the head of the fire department of any  
18 municipality located within five (5) miles of the affected traffic rotary and proposed alternative

19 route; the police chief of any municipality located within five (5) miles of the affected traffic  
20 rotary and proposed alternative route; the executive office of public safety; the Fire Chiefs'  
21 Association of Massachusetts; the Professional Fire Fighters of Massachusetts; the  
22 Massachusetts Chiefs of Police Association; and the local Teamsters union in closest proximity  
23 to the municipality proposing the prohibition. The highway department shall make its final  
24 determination no later than ninety (90) days following receipt of the filing by the municipality,  
25 unless the municipality has amended its filing, in which event the highway department shall  
26 make its final determination no later than ninety (90) days following receipt of the amended  
27 filing. The highway department shall give notice of any amended filing in the same manner as  
28 provided above.

29 (d) In making its determination of the proposed prohibition and alternative route, the highway  
30 department shall take into account: the proximity of such transportation to residential areas; the  
31 risk of further damage from a fire or explosion; the capacity of emergency workers to respond to  
32 a collision, accident or equipment malfunction and its effects; and any impact that the alternative  
33 route would have on municipalities provided with notice pursuant to this section.

34 (e) Nothing in this section shall be construed to restrict, limit or prohibit the transportation of a  
35 passenger vehicle.